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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,870	03/12/2004	Ursus Kruger	03P04291	6592
24252	7590	11/23/2005	EXAMINER	
OSRAM SYLVANIA INC 100 ENDICOTT STREET DANVERS, MA 01923			LOVELL, LEAH S	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/798,870	Applicant(s) KRUGER ET AL.	
	Examiner Leah S. Lovell	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12 March 2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because they fail to show three layers as described in the specification and claims. Applicant is kindly requested to provide drawings detailing the three layers.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Wittig et al. (US 5,428,261). Wittig teaches a luminous means [1] and a plastic part [2; column 3, lines 36-38] wherein the plastic part [2] is at least partially covered [figure 2] by a coating [7] which contains a metallic compound with aluminum and oxygen [column 3, line 44].

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wittig et al. (US 5,428,261) in view of Karras et al. (US 6,887,354). Wittig discloses the lamp as disclosed above. Wittig also teaches the cover [7] being affixed to the base by ultrasonic welding. However, Wittig lacks both the teaching of multiple layers and said layers being deposited by a vacuum coating technique. Karras teaches a plurality of layers [column 2, lines 14-17] applied to a plastic substrate [column 5, lines 49-57] by a vacuum coating technique [column 5, line 46]. It would have been obvious to one of ordinary skill in the art at the time of the invention to coat the base of Wittig using the vacuum technique as disclosed in Karras. Vacuum coating decreases the risk of damage to the base that comes along with ultrasonic welding. It also would have been obvious to one of ordinary skill in the art at the time of the invention to coat the base of Wittig with a plurality of layers. A more even coating would result as well as providing a plurality of layers allows for a coating having a desired special property. It is well known in the art that the layers as applied by vacuum coating can vary in material with each layer.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wittig et al. (US 5,428,261) and Karras et al. (US 6,887,354) as applied to claims 1 and 3 above, and further in view of Gillery (US 4,017,661). While Karras teaches a plurality of layers, neither Wittig nor Karras specifically disclose at least three layers. Gillery teaches multiple layers, in particular three layers [figure 1], and deposition by vacuum coating [Summary]. Gillery teaches three layers where the top and bottom layers are composed

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of the same materials while there is a middle layer having a metallic composition [Summary]. The top and bottom layers as taught by Gillery are composed of a metal, titanium, and oxygen. However, Gillery does not disclose the use of iron, copper, zirconium, or aluminum. It is well known in the art that elements within the same group (vertical row) of the periodic table share similar properties; therefore, aluminum oxide, as disclosed by Wittig and Karras can serve as a valid substitute for the titanium oxide of Gillery. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the base of Wittig with three layers as taught by Gillery wherein the layers are two layers of oxides with an intermediate metallic layer to provide a protective layer to the base that is impermeable to scratches, low-reflecting, temperature-stable, and light-proof to ultraviolet light as well as other type of harmful light [Karras column 5, lines 48-57].

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leah S. Lovell whose telephone number is (571) 272-2719. The examiner can normally be reached on Monday through Friday 7:45 a.m. until 4:15 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on (571) 272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Leah Lovell, Examiner
17 November 2005



RENEE LUEBKE
PRIMARY EXAMINER